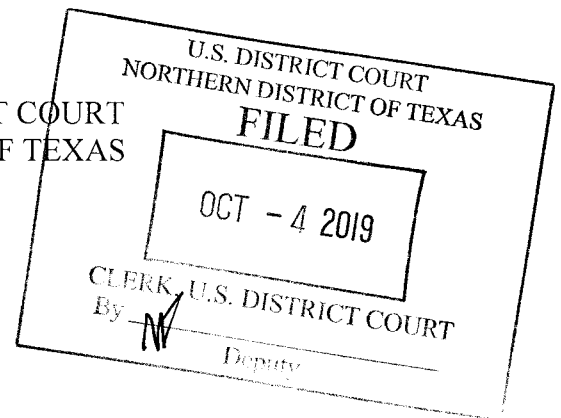


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



GARY ALLEN DARNELL,

Plaintiff,

v.

CHRIS JOLLY, *Police Chief*
of Memphis, TX,

Defendant.

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CIVIL ACTION NO. 2:18-CV-142-Z-BQ

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

On May 30, 2019, the United States Magistrate Judge entered findings and conclusions after review of Plaintiff's Amended Complaint (ECF No. 46). The Magistrate Judge RECOMMENDS that Plaintiff's claims against the City of Memphis, TX ("City") be dismissed in accordance with Title 28, United States Code sections 1915(e)(2)(B) and 1915A(b). No objections to the findings, conclusions, and recommendation have been filed.

After making an independent review of the pleadings, files, and records in this case, and the findings, conclusions, and recommendation of the Magistrate Judge, the Court concludes that the findings and conclusions are correct. Plaintiff failed to allege facts showing that the City violated Plaintiff's constitutional rights through an official policy or "governmental custom, even if such custom has not received formal approval." *See Zarno w. City of Wichita Falls*, 614 F.3d 161, 166 (5th Cir. 2010). Plaintiff also failed to allege facts sufficient to support his failure to train claim against the City. *See Conner v. Travis Cty.*, 209 F.3d 794, 796 (5th Cir. 2000) (listing three factors that a plaintiff must demonstrate to assert a valid failure to train claim against a municipality).

It is therefore ORDERED that the findings, conclusions, and recommendation of the Magistrate Judge are ADOPTED. Plaintiff's claims against the City of Memphis, TX are DISMISSED with prejudice in accordance with Title 28, United States Code sections 1915(e)(2)(B) and 1915A(b).

SO ORDERED.

SIGNED October 4, 2019.



MATTHEW J. KACSMARYK
UNITED STATES DISTRICT JUDGE